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DEPT. FOR L/LEI:HMCSHAIN AND GHARRIS  
DOJ FOR OIA:NROMANO

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TAGS: [CASC](#) [CJAN](#) [CVIS](#) [KCRM](#) [SNAR](#) [PE](#)  
SUBJECT: Extraditions in Peru

REF: SECSTATE 50522

¶1. (SBU) Summary: Emboffs and Peruvian lawyers representing the USG on extradition cases met May 20 with Minister of Justice Rosario Del Pilar Fernandez to discuss points in reftel and other issues. The Minister acknowledged USG concerns over Peruvian courts' recent denial of several USG extradition requests and suggested specific remedial steps. In response to the need for more expertise in the Supreme Court regarding extradition procedures, the Minister agreed to make a formal request to the Supreme Court that it establish an office specifically to handle extradition cases. She also welcomed the idea of DOJ's planned training on extraditions for Peruvian judges and lawyers, set for late June 2008 in Lima. End Summary.

#### Meeting with Justice Minister

¶2. (SBU) Conoff, Poloff, ARSO, and senior ACS LES met May 20 with Minister of Justice Rosario Del Pilar Fernandez. Also present at the meeting were Peruvian attorneys, Gerardo Castro and Moises Aguirre, who represent the USG on extradition cases from Peru to the U.S.

¶3. (SBU) Conoff began the meeting by identifying the USG's concerns over Peruvian courts' recent denial of several USG extradition requests. Drs. Castro and Aguirre cited a number of cases in which Peruvian courts had ruled erroneously. Dr. Castro noted that the March 2008 ruling denying the extradition of Juan Manuel Vicuna-Rios was based on only one felony charge, which the court cited as not extraditable. The Minister supported Dr. Castro's intention to request that Peru's Supreme Court overturn the ruling. Dr. Castro will submit this request prior to the May 28 deadline for this judicial action.

¶4. (SBU) Conoff expressed concern that Peruvian courts are asking for additional evidence, e.g. testimony tapes and/or court affidavits, while the Treaty requires only "probable cause." The Minister agreed that the Treaty requires probable cause and not proven cause ("causa probable, no causa probada").

#### Extradition Office in Supreme Court

¶5. (SBU) Conoff raised Peruvian judges' apparent lack of understanding of extradition procedures, as evidenced by the recent adverse rulings. Conoff and Dr. Castro suggested to Minister Fernandez that a dedicated extradition office within the Peruvian Supreme Court would provide it the staff expertise necessary to properly identify criteria in extradition requests which comply with the treaty. The Minister agreed to request formally that the Supreme Court establish the office.

#### DOJ Training

¶6. (SBU) Conoff noted that DOJ will send a team to Peru for consultations with GOP officials and to conduct an extradition training workshop for Peruvian lawyers and judges. The Minister expressed her pleasure about the workshop and asked to be kept abreast. Poloff was identified as the POC for the training which will take place in Lima on June 30 - July 2, 2008.

¶7. (SBU) Comment: This meeting with the Minister was timely and productive. Although newly appointed (approx. 5 months in the office), she was knowledgeable on the issues and expressed a willingness to seek solutions to our concerns. Through our lawyers, Post will follow-up regarding the incarceration of Caffelli and Turcotte, and the Minister's decision to request that the Supreme Court establish its own extradition office. End Comment.

McKinley